

equivalent of not less than the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower; less any cost-share amount due for authorized services, except where the dental plan insurer is unable to identify a participating provider of care within 35 miles of the dependent's place of residence with appointment availability within 21 calendar days. In such instances of the nonavailability of a participating provider, the nonparticipating provider located within 35 miles of the dependent's place of residence shall be paid his or her usual fees, less the cost-share for the authorized services.

(ii) Participating providers shall be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state as to constitute a significant financial incentive for participation, or the provider's actual charge, whichever is lower; less any cost-share amount due for authorized services.

(g) \* \* \*

(2) *Benefit payments made to a participating provider.* When the authorized provider has elected to participate in accordance with the arrangement and procedures established by the dental plan insurer, payment is made based on the lower of the actual charge or the insurer's determination of the allowable charge. Payment is made directly to the participating provider as payment in full, less the percent cost-share of the insurer's allowable charge as specified in paragraphs (e)(3)(i) through (e)(3)(v) of this section.

(3) *Benefit payments made to a nonparticipating provider.* When the authorized provider has elected not to participate in accordance with the arrangement and procedures established by the dental plan, payment is made by the insurer based on the lower of the actual charge or the insurer's determination of the allowable charge. The beneficiary is responsible for payment of a percent cost-share of the insurer's allowable charge as specified in paragraphs (e)(3)(i) through (e)(3)(v) of this section. Where the dental plan is unable to identify a participating provider of care within 35 miles of the dependent's place of residence with appointment availability within 21 calendar days, dependents or their

sponsors are responsible for payment of a percent cost-share of the charges made by nonparticipating providers located within 35 miles of the dependent's place of residence as specified in paragraphs (e)(3)(i) through (e)(3)(v) of this section.

\* \* \* \* \*

Dated: October 26, 1995.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Parts 100 and 165

[CGD 95-082]

#### Safety Zones, Security Zones, and Special Local Regulations

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary rules issued.

**SUMMARY:** This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between July 1, 1995 and September 30, 1995, which were not published in the Federal Register. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the Federal Register was not possible.

**DATES:** This notice lists temporary Coast Guard regulations that became effective and were terminated between July 1, 1995 and September 30, 1995, as well as several regulations which were not included in the previous quarterly list.

**ADDRESSES:** The complete text of these temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

**FOR FURTHER INFORMATION CONTACT:** Commander Stephen J. Darmody, Executive Secretary, Marine Safety Council at (202) 267-1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

**SUPPLEMENTARY INFORMATION:** District Commanders and Captains of the Port

(COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the Federal Register is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, Federal Register notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the Federal Register. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period July 1, 1995 and September 30, 1995, unless otherwise indicated.

Dated: October 26, 1995.

Stephen J. Darmody,

*Commander, U.S. Coast Guard, Executive Secretary, Marine Safety Council, Acting.*

## QUARTERLY REPORT

| Docket No.               | Location                                | Type          | Effective date |
|--------------------------|---|---------------|----------------|
| Charleston 95-040        | Lake Wylie, SC                          | Safety Zone   | 7/4/95         |
| Corpus Christi 95-001    | Gulf Intracoastal Waterway              | Safety Zone   | 7/2/95         |
| Corpus Christi 95-002    | Corpus Christi Ship Channel             | Safety Zone   | 7/17/95        |
| Corpus Christi 95-003    | Gulf Intracoastal Waterway              | Safety Zone   | 7/24/95        |
| Galveston 95-002         | Galveston Bay, TX                       | Safety Zone   | 8/23/95        |
| Galveston 95-003         | Galveston Bay, TX                       | Safety Zone   | 8/27/95        |
| Hampton Roads 95-042     | Chesapeake Bay, Hampton Roads, VA       | Safety Zone   | 7/7/95         |
| Hampton Roads 95-045     | Chesapeake Bay, Hampton Roads, VA       | Safety Zone   | 7/17/95        |
| Honolulu 95-004          | Oahu, HI                                | Safety Zone   | 9/1/95         |
| Houston 95-004           | Channelview, TX                         | Safety Zone   | 7/5/95         |
| Jacksonville 95-042      | Indian River, Cocoa, FL                 | Safety Zone   | 7/4/95         |
| Jacksonville 95-043      | Halifax River, Ormond Beach, FL         | Safety Zone   | 7/4/95         |
| Jacksonville 95-044      | Tolomato River, St. Augustine, FL       | Safety Zone   | 7/4/95         |
| Jacksonville 95-045      | Indian River, Edgewater, FL             | Safety Zone   | 7/4/95         |
| Jacksonville 95-046      | St. Johns River, Jacksonville, FL       | Safety Zone   | 7/4/95         |
| Jacksonville 95-053      | Port Canveral, FL                       | Safety Zone   | 7/23/95        |
| Jacksonville 95-058      | St. Johns River, Jacksonville, FL       | Safety Zone   | 9/2/95         |
| LA/Long Beach 95-004     | San Pedro Bay, CA                       | Safety Zone   | 8/4/95         |
| LA/Long Beach 95-005     | San Pedro Bay, CA                       | Safety Zone   | 8/4/95         |
| LA/Long Beach 95-006     | San Pedro Bay, CA                       | Safety Zone   | 8/24/95        |
| LA/Long Beach 95-007     | San Pedro Bay, CA                       | Safety Zone   | 9/25/95        |
| Miami, FL 95-059         | Miami River, Miami, FL                  | Safety Zone   | 9/5/95         |
| Mobile 95-009            | Pensacola, FL                           | Safety Zone   | 7/19/95        |
| Mobile 95-010            | Mobile Ship Channel, AL                 | Safety Zone   | 7/11/95        |
| New Orleans 95-013       | Mississippi River, M. 94 to M. 98       | Safety Zone   | 5/13/95        |
| New Orleans 95-014       | Mississippi River, M. 94 to M. 98       | Safety Zone   | 5/18/95        |
| New Orleans 95-015       | Mississippi River, M. 94 to M. 98       | Safety Zone   | 5/19/95        |
| New Orleans 95-016       | Mississippi River, M. 94 to M. 98       | Safety Zone   | 5/20/95        |
| New Orleans 95-017       | Mississippi River, M. 228.5 to M. 230.5 | Safety Zone   | 5/20/95        |
| New Orleans 95-019       | Mississippi River, M. 429 to M. 434     | Safety Zone   | 6/22/95        |
| P.W. Sound 95-001        | Prince William Sound, AK                | Safety Zone   | 7/8/95         |
| P.W. Sound 95-002        | Prince William Sound, AK                | Safety Zone   | 7/10/95        |
| P.W. Sound 95-003        | Prince William Sound, AK                | Safety Zone   | 7/12/95        |
| P.W. Sound 95-004        | Prince William Sound, AK                | Safety Zone   | 7/14/95        |
| P.W. Sound 95-005        | Prince William Sound, AK                | Safety Zone   | 7/17/95        |
| P.W. Sound 95-006        | Prince William Sound, AK                | Safety Zone   | 7/22/95        |
| Philadelphia 95-021      | West Deptford, NJ                       | Safety Zone   | 8/9/95         |
| Philadelphia 95-022      | Salem River, NJ                         | Safety Zone   | 8/13/95        |
| Philadelphia 95-023      | Gibbstown, NJ                           | Safety Zone   | 8/18/95        |
| Philadelphia 95-024      | Marcus Hook, PA                         | Safety Zone   | 8/21/95        |
| Philadelphia 95-069      | Wilmington, DE                          | Safety Zone   | 9/23/95        |
| Philadelphia 95-070      | Marcus Hook, PA                         | Safety Zone   | 9/22/95        |
| Philadelphia 95-071      | Wildwood, NJ                            | Safety Zone   | 9/27/95        |
| San Francisco Bay 95-005 | San Francisco Bay, CA                   | Safety Zone   | 7/4/95         |
| San Francisco Bay 95-010 | Carmel Bay, CA                          | Security Zone | 9/3/95         |
| San Juan 95-047          | San Juan Harbor, PR                     | Safety Zone   | 7/4/95         |
| Savannah 95-037          | Skull Creek, Hilton Head, SC            | Safety Zone   | 7/4/95         |
| Savannah 95-038          | Calibogue Sound, Hilton Head, SC        | Safety Zone   | 7/4/95         |
| Savannah 95-039          | Savannah River, Savannah, GA            | Safety Zone   | 7/4/95         |
| Savannah 95-048          | Savannah River, Savannah, GA            | Safety Zone   | 7/6/95         |
| St. Louis 95-011         | Upper Mississippi River, M. 184         | Safety Zone   | 9/26/95        |
| Wilmington 95-002        | Wilmington, NC                          | Safety Zone   | 9/2/95         |
| 01-95-019                | Westport, CT                            | Safety Zone   | 7/3/95         |
| 01-95-020                | Fairfield, CT                           | Safety Zone   | 7/1/95         |
| 01-95-041                | Barons Cove, Sag Harbor, NY             | Safety Zone   | 6/16/95        |
| 01-95-042                | Stamford, CT                            | Safety Zone   | 7/1/95         |
| 01-95-043                | Old Lyme, CT                            | Safety Zone   | 7/2/95         |
| 01-95-044                | Montauk, NY                             | Safety Zone   | 7/2/95         |
| 01-95-045                | Stratford, CT                           | Safety Zone   | 7/2/95         |
| 01-95-046                | Groton, CT                              | Safety Zone   | 7/3/95         |
| 01-95-047                | Cove Neck, NY                           | Safety Zone   | 7/4/95         |
| 01-95-048                | East Hampton, NY                        | Safety Zone   | 7/15/95        |
| 01-95-049                | Middletown, CT                          | Safety Zone   | 7/29/95        |
| 01-95-075                | Hartford, CT                            | Safety Zone   | 7/1/95         |
| 01-95-084                | Norwich, CT                             | Safety Zone   | 7/2/95         |
| 01-95-091                | Middletown, CT                          | Safety Zone   | 7/4/95         |
| 01-95-095                | Providence River, RI                    | Safety Zone   | 7/4/95         |
| 01-95-100                | Raritan Bay, Staten Island, NY          | Safety Zone   | 7/4/95         |
| 01-95-103                | Waterford, CT                           | Safety Zone   | 7/15/95        |
| 01-95-104                | Groton, CT                              | Safety Zone   | 7/8/95         |
| 01-95-105                | Norwalk, CT                             | Safety Zone   | 7/3/95         |

## QUARTERLY REPORT—Continued

| Docket No. | Location                              | Type           | Effective date |
|------------|---------------------------------------|----------------|----------------|
| 01-95-106  | Babylon, NY                           | Safety Zone    | 7/1/95         |
| 01-95-107  | Amagansett, NY                        | Safety Zone    | 7/1/95         |
| 01-95-108  | Branford, CT                          | Safety Zone    | 7/1/95         |
| 01-95-112  | Norwich, CT                           | Safety Zone    | 9/9/95         |
| 01-95-117  | Hempstead, NY                         | Safety Zone    | 7/2/95         |
| 01-95-118  | Wantagh, NY                           | Safety Zone    | 7/4/95         |
| 01-95-120  | New Bedford, MA                       | Safety Zone    | 7/23/95        |
| 01-95-121  | Boston, MA                            | Security Zone  | 7/22/95        |
| 01-95-125  | Davis Park, NY                        | Safety Zone    | 7/29/95        |
| 01-95-126  | Nissequogue, NY                       | Safety Zone    | 8/5/95         |
| 01-95-127  | Camden, ME                            | Safety Zone    | 9/1/95         |
| 01-95-128  | Kennebeck River, Bath, ME             | Safety Zone    | 8/12/95        |
| 01-95-132  | Hartford, CT                          | Safety Zone    | 8/12/95        |
| 01-95-133  | Norwalk, CT                           | Safety Zone    | 8/12/95        |
| 01-95-140  | Norwich, CT                           | Safety Zone    | 8/27/95        |
| 01-95-143  | Upper New York Bay, NY                | Safety Zone    | 9/12/95        |
| 01-95-144  | Upper New York Bay, NY                | Safety Zone    | 9/17/95        |
| 01-95-145  | South Hampton, NY                     | Safety Zone    | 9/2/95         |
| 01-95-146  | S.W. Harbor, ME                       | Safety Zone    | 9/9/95         |
| 01-95-148  | Hudson River, NY                      | Safety Zone    | 9/23/95        |
| 02-95-008  | Arkansas River, M. 308.4 to M. 309    | Special Local  | 7/4/95         |
| 02-95-009  | Mississippi River, M. 662 to M. 665   | Special Local  | 7/4/95         |
| 02-95-010  | Monongahela River, M. 101 to M. 101.2 | Special Local  | 8/27/95        |
| 02-95-014  | Mississippi River, M. 482.4 to M. 484 | Special Local  | 9/16/95        |
| 05-95-041  | Tar River, Washington, NC             | Special Local  | 7/4/95         |
| 05-95-054  | Camden, NJ                            | Special Local  | 9/30/95        |
| 05-95-059  | Hampton Roads, VA                     | Anchorage Area | 8/28/95        |
| 05-95-060  | Hampton Roads, VA                     | Anchorage Area | 8/30/95        |
| 07-95-035  | Sarasota, FL                          | Special Local  | 7/1/95         |
| 07-95-036  | Sarasota, FL                          | Special Local  | 7/2/95         |
| 07-95-041  | Beaufort, SC                          | Special Local  | 7/15/95        |
| 07-95-051  | Augusta, GA                           | Special Local  | 7/21/95        |
| 07-95-055  | Jacksonville Beach, FL                | Special Local  | 8/13/95        |
| 07-95-056  | City of Palm Beach, FL                | Special Local  | 9/16/95        |
| 09-95-019  | Lake Ontario, Oswego Harbor, NY       | Special Local  | 7/29/95        |
| 09-95-021  | St. Joseph, MI                        | Special Local  | 7/14/95        |
| 13-95-031  | Bellingham, WA                        | Safety Zone    | 7/6/95         |
| 13-95-032  | Queets to Port of Benton, WA          | Safety Zone    | 8/3/95         |
| 13-95-033  | Queets to Port of Benton, WA          | Safety Zone    | 8/9/95         |
| 13-95-034  | Queets to Port of Benton, WA          | Safety Zone    | 8/16/95        |
| 13-95-036  | Bremerton to Queets, WA               | Safety Zone    | 8/2/95         |
| 13-95-037  | Bremerton to Queets, WA               | Safety Zone    | 8/8/95         |
| 13-95-038  | Bremerton to Queets, WA               | Safety Zone    | 8/15/95        |
| 13-95-040  | Portland, OR                          | Safety Zone    | 9/16/95        |
| 13-95-041  | Queets to Port of Benton, WA          | Safety Zone    | 9/7/95         |
| 13-95-042  | Bremerton to Queets, WA               | Safety Zone    | 9/5/95         |
| 13-95-043  | Queets to Port of Benton, WA          | Safety Zone    | 9/14/95        |
| 13-95-044  | Bremerton to Queets, WA               | Safety Zone    | 9/13/95        |
| 13-95-045  | Tacoma, WA                            | Safety Zone    | 9/24/95        |

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## LIBRARY OF CONGRESS

## Copyright Office

## 37 CFR Part 255

[Docket No. 95-2 CARP]

**Cost of Living Adjustment of the Mechanical Royalty Rate**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office announces an adjustment of the mechanical royalty rate based on the change in the Consumer Price Index from September 1993 to September 1995. The rate is increased to either 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever is larger.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Acting General Counsel, or Tanya M. Sandros, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone:

(202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** In 1987, the Copyright Royalty Tribunal adopted the joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make adjustments every two years to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except: (1) when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987; and (2) when the CPI increased by more than 25%, in which case the rate increase